

AO 441 (Rev. 5/85) Third Party summons in a Civil Action

# United States District Court

## Northern District of Oklahoma

STATE OF OKLAHOMA, ex rel., et al.  
**PLAINTIFF**

v.

TYSON FOODS, INC. et al.  
**DEFENDANTS AND THIRD-PARTY PLAINTIFFS**

### THIRD PARTY SUMMONS IN A CIVIL ACTION

v.

City of Tahlequah, et al.  
**THIRD PARTY DEFENDANTS**

CASE NUMBER: 05-CV-0329-JOE-SAJ

To: **Joe Ann Fleig, Town Clerk-Treasurer Service agent for  
City of Westville  
P.O. Box 146, 221 Williams,  
Westville OK 74965**

YOU ARE HEREBY SUMMONED and required to file with the clerk of this court and serve upon

#### PLAINTIFF ATTORNEY

Douglas Allen Wilson  
Melvin David Riggs  
Richard T. Garren  
Sharon K. Weaver  
Riggs Abney Neal Turpen Orbison & Lewis  
502 West 6<sup>th</sup> Street  
Tulsa, OK 74119-1010

#### DEFENDANT AND THIRD PARTY PLAINTIFFS ATTORNEYS:

A. Scott McDaniel  
Joyce, Paul & McDaniel PLLC  
1717 South Boulder, Suite 200  
Tulsa, OK 74119  
For Peterson Farms

Robert W. George  
Kutack Rock LLP  
The Three Sisters Building  
214 West Dickson Street  
Fayetteville, AR 72701-5221  
For Tyson Foods, Inc.

R. Thomas Lay  
Kerr, Irvine, Rhodes & Ables  
201 Robert S. Kerr Ave., Suite 600  
Oklahoma City, OK 73102  
For Willow Brook Foods, Inc.

Robert P. Redemann  
Lawrence W. Zeringue  
David C. Senger  
Perrine, McGivern, Redemann, Reid,  
Berry & Taylor, PLLC  
P. O. Box 1710  
Tulsa, OK 74101-1710  
For Cal-Maine Foods, Inc.

George W. Owens  
Randall E. Rose  
The Owens Law Firm, P.C.  
234 West 13<sup>th</sup> Street  
Tulsa, OK 74119  
For George's Inc.

John R. Elrod  
Vicki Bronson  
Conner & Winters, P.C.  
100 West Center Street, Suite 200  
Fayetteville, AR 72701  
For Simmons Foods, Inc.

an answer to the Third-Party Complaint which is herewith served upon you within **20 days** after the service of this summons upon you exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Third-Party Complaint. There is also served upon you herewith a copy of the Complaint of the Plaintiff. You have the option of answering or not answering the Plaintiff's Complaint *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the Third-Party Plaintiff is demanding judgment against you in favor of the original Plaintiff under the circumstances described in Rule 14(c) Federal Rules Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of Plaintiff as well as to the claim of the Third-Party Plaintiff.

**JAN 6 2006**

Phil Lombardi  
Clerk

\_\_\_\_\_  
Date

(By) DEPUTY CLERK

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### THIRD PARTY SUMMONS IN A CIVIL ACTION

**CASE NUMBER: 05-CV-0329-JOE-SAJ**

v.

City of Tahlequah, et al.

**THIRD PARTY DEFENDANTS**

To: **Janette Huffman, Municipal Court Clerk Service agent for  
 City of Watts  
 P.O. Box 70, 220 2nd Street,  
 Watts OK 74964**

YOU ARE HEREBY SUMMONED and required to file with the clerk of this court and serve upon

PLAINTIFF ATTORNEY	DEFENDANT AND THIRD PARTY PLAINTIFFS ATTORNEYS:	
Douglas Allen Wilson Melvin David Riggs Richard T. Garren Sharon K. Weaver Riggs Abney Neal Turpen Orbison & Lewis 502 West 6 <sup>th</sup> Street Tulsa, OK 74119-1010	A. Scott McDaniel Joyce, Paul & McDaniel PLLC 1717 South Boulder, Suite 200 Tulsa, OK 74119 For Peterson Farms  Robert W. George Kutack Rock LLP The Three Sisters Building 214 West Dickson Street Fayetteville, AR 72701-5221 For Tyson Foods, Inc.  R. Thomas Lay Kerr, Irvine, Rhodes & Ables 201 Robert S. Kerr Ave., Suite 600 Oklahoma City, OK 73102 For Willow Brook Foods, Inc.	Robert P. Redemann Lawrence W. Zeringue David C. Senger Perrine, McGivern, Redemann, Reid, Berry & Taylor, PLLC P. O. Box 1710 Tulsa, OK 74101-1710 For Cal-Maine Foods, Inc.  George W. Owens Randall E. Rose The Owens Law Firm, P.C. 234 West 13 <sup>th</sup> Street Tulsa, OK 74119 For George's Inc.  John R. Elrod Vicki Bronson Conner & Winters, P.C. 100 West Center Street, Suite 200 Fayetteville, AR 72701 For Simmons Foods, Inc.

an answer to the Third-Party Complaint which is herewith served upon you within **20 days** after the service of this summons upon you exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Third-Party Complaint. There is also served upon you herewith a copy of the Complaint of the Plaintiff. You have the option of answering or not answering the Plaintiff's Complaint *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, and (2) the Third-Party Plaintiff is demanding judgment against you in favor of the original Plaintiff under the circumstances described in Rule 14(c) Federal Rules Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of Plaintiff as well as to the claim of the Third-Party Plaintiff.

**JAN 6 2006**

Phil Lombardi

Clerk

Date

(By) DEPUTY CLERK

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### THIRD PARTY SUMMONS IN A CIVIL ACTION

v.

City of Tahlequah, et al.  
**THIRD PARTY DEFENDANTS**

CASE NUMBER: 05-CV-0329-JOE-SAJ

To: **Deb Corn, City Clerk Service agent for  
 City of Tahlequah  
 111 S. Cherokee Ave.,  
 Tahlequah OK 74464**

YOU ARE HEREBY SUMMONED and required to file with the clerk of this court and serve upon

PLAINTIFF ATTORNEY	DEFENDANT AND THIRD PARTY PLAINTIFFS ATTORNEYS:	
Douglas Allen Wilson Melvin David Riggs Richard T. Garren Sharon K. Weaver Riggs Abney Neal Turpen Orbison & Lewis 502 West 6 <sup>th</sup> Street Tulsa, OK 74119-1010	A. Scott McDaniel Joyce, Paul & McDaniel PLLC 1717 South Boulder, Suite 200 Tulsa, OK 74119 For Peterson Farms	Robert P. Redemann Lawrence W. Zeringue David C. Senger Perrine, McGivern, Redemann, Reid, Berry & Taylor, PLLC P. O. Box 1710 Tulsa, OK 74101-1710 For Cal-Maine Foods, Inc.
	Robert W. George Kutack Rock LLP The Three Sisters Building 214 West Dickson Street Fayetteville, AR 72701-5221 For Tyson Foods, Inc.	George W. Owens Randall E. Rose The Owens Law Firm, P.C. 234 West 13 <sup>th</sup> Street Tulsa, OK 74119 For George's Inc.
	R. Thomas Lay Kerr, Irvine, Rhodes & Ables 201 Robert S. Kerr Ave., Suite 600 Oklahoma City, OK 73102 For Willow Brook Foods, Inc.	John R. Elrod Vicki Bronson Conner & Winters, P.C. 100 West Center Street, Suite 200 Fayetteville, AR 72701 For Simmons Foods, Inc.

an answer to the Third-Party Complaint which is herewith served upon you within **20 days** after the service of this summons upon you exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Third-Party Complaint. There is also served upon you herewith a copy of the Complaint of the Plaintiff. You have the option of answering or not answering the Plaintiff's Complaint *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the Third-Party Plaintiff is demanding judgment against you in favor of the original Plaintiff under the circumstances described in Rule 14(c) Federal Rules Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of Plaintiff as well as to the claim of the Third-Party Plaintiff.

Phil Lombardi  
 Clerk

JAN 6 2006

Date

(By) u DEPUTY CLERK